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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/529,767	09/18/1995	JOSEPH A. SORGE	8142-108-999	4454

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
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1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

FREDMAN, JEFFREY NORMAN

ART UNIT PAPER NUMBER

1634

DATE MAILED: 07/07/2003

23

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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**Commissioner for Patents**

The information disclosure statements (IDS) submitted on June 3, 2003 and June 27, 2003 were in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. Copies of the signed 1449 forms are attached.

**JEFFREY FREDMAN  
PRIMARY EXAMINER**

Jeffrey Fredman  
Primary Examiner  
Art Unit: 1634


## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	04121.0003-02000	Appln. No.	08/529,767
Applicant	SORGE et al.		
Filing Date	September 18, 1995	Group:	1637

U.S. PATENT DOCUMENTS							
Examiner Initial*		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS							
		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No

OTHER DOCUMENTS (from Reexamination Control No. 90/006,571)	
1	Notice of Reexamination Request Filing Date (for U.S. Patent No. 5,556,772), mailed March 31, 2003
2	Order Granting/Denying Request for Ex Parte Reexamination (for U.S. Patent No. 5,556,772), mailed May 22, 2003
2	Decision Returning Improper Paper (for U.S. Patent No. 5,556,772), mailed June 12, 2003

Examiner		Date Considered	7/3/03
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce		

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	4121.0003-02000	Appln. No.	08/529,767
Applicant	SORGE et al.	Examiner:	Fredman, J.
Filing Date	September 15, 1995	Group:	1637

## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	5,436,149	July 25, 1995	Barnes			
	5,556,772	Sept. 17, 1996	Sorge et al.			

## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	WO 92/09689	June 11, 1992	PCT			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Barnes, W. "The fidelity of <i>Taq</i> polymerase catalyzing PCR is improved by an N-terminal deletion," Gene, 112: 29-35 (1992).
	Lundberg et al. "High-fidelity amplification using a thermostable DNA polymerase isolated from <i>Pyrococcus furiosus</i> ," Gene, 108: 1-6 (1991).
	Ohler et al. "Optimization of Long-distance PCR using a transposon-based model system," PCR Methods and Applications, 2: 51-59 (1992).
	Perrino et al., "Hydrolysis of 3'-terminal mispairs in vitro by the 3' → 5' exonuclease of DNA polymerase $\delta$ permits subsequent extension by DNA polymerase $\alpha$ ," Biochemistry, 29: 5226-5231 (1990).
	Perrino et al., "Proofreading by the $\epsilon$ subunit of <i>Escherichia coli</i> DNA polymerase III increases the fidelity of calf thymus DNA polymerase $\alpha$ ," Proc. Natl. Acad. Sci. USA, 86: 3085-3088 (1989).
	Tindall et al., "Fidelity of DNA synthesis by the <i>Thermus aquaticus</i> DNA polymerase," Biochemistry, 27: 6008-6013 (1988).
	New England BioLabs catalog on Deep Vent DNA <sub>R</sub> ™ Polymerase, page 61 (1992).
	New England Biolabs catalog on Deep Vent <sub>R</sub> ® polymerase, page 62, submitted in Exhibit E of the Request for Reexamination Under 37 C.F.R. §1.510 (for U.S. Patent No. 5,556,772) filed by Kate Murashige on March 20, 2003, and alleged to be dated 1992 in that Request for Reexamination.
	The American Heritage College Dictionary, Third Edition, Houghton Mifflin Company, page 750, submitted in Exhibit H of the Request for Reexamination Under 37 C.F.R. §1.510 (for U.S. Patent No. 5,556,772) filed by Kate Murashige on March 20, 2003.
	<a href="http://bio.takara.co.jp/BIO_EN/Catalog_d.asp?C_ID=C0173">http://bio.takara.co.jp/BIO_EN/Catalog_d.asp?C_ID=C0173</a> (12/19/2002) (6 pages), submitted in Exhibit J of the Request for Reexamination Under 37 C.F.R. §1.510 (for U.S. Patent No. 5,556,772) filed by Kate Murashige on March 20, 2003
	<a href="http://bio.takara.co.jp/BIO_EN/Catalog_d.asp?C_ID=C0174">http://bio.takara.co.jp/BIO_EN/Catalog_d.asp?C_ID=C0174</a> (12/19/2002) (5 pages), submitted in Exhibit J of the Request for Reexamination Under 37 C.F.R. §1.510 (for U.S. Patent No. 5,556,772) filed by Kate Murashige on March 20, 2003

**INFORMATION DISCLOSURE CITATION**

OMB No. 0651-0011

Atty. Docket No.	4121.0003-02000	Appln. No.	08/529,767
Applicant	SORGE et al.	Examiner:	Fredman, J.
Filing Date	September 15, 1995	Group:	1637

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
N	<a href="http://www.Stratagene.com/displayProduct.asp?productId=104">http://www.Stratagene.com/displayProduct.asp?productId=104</a> (12/19/2002) (2 pages), submitted in Exhibit K of the Request for Reexamination Under 37 C.F.R. §1.510 (for U.S. Patent No. 5,556,772) filed by Kate Murashige on March 20, 2003
N	Stratagene product information, TaqPlus® Long and TaqPlus® Precision PCR Systems (2 pages), submitted in Exhibit K of the Request for Reexamination Under 37 C.F.R. §1.510 (for U.S. Patent No. 5,556,772) filed by Kate Murashige on March 20, 2003
N	Declaration of Joseph A. Sorge and Rebecca L. Mullinax Under 37 C.F.R. §1.131 from U.S. Application No. 08/197,791, submitted in Exhibit G of the Request for Reexamination Under 37 C.F.R. §1.510 (for U.S. Patent No. 5,556,772) filed by Kate Murashige on March 20, 2003

OTHER DOCUMENTS (from Stratagene v. Invitrogen Corp.)	
N	U.S. District Court, District of Maryland (Greenbelt), Civil Docket for Case #: 8:01-cv-03566-DKC
	Civil Cover Sheet
	Complaint for Patent Infringement
	Invitrogen Corporation's Answer to Complaint for Patent Infringement and Counterclaim
	Stratagene's Answer to Invitrogen Corporation's Counter Claim
	Expert Opinion of Thomas G. Wiseman, Esq.
N	Expert Witness Report of John F. Witherspoon

OTHER DOCUMENTS (Stratagene v. Takara Holdings, Inc., et al.)	
N	U.S. District Court, District of Maryland (Baltimore), Civil Docket for Case #: 1:02-cv-03603-WMN
N	Civil Cover Sheet
N	Complaint for Patent Infringement
N	Takara's Motion to (1) Quash Service of Process; (2) Dismiss For Inadequate Service of Process, and (3) Dismiss for Lack of Personal Jurisdiction, or (4) -- If This Court Has Jurisdiction -- Transfer

OTHER DOCUMENTS (Takara Bio Inc. v. Stratagene, et al.)	
N	U.S. District Court, Southern District of California (San Diego) Civil Docket for Case #: 03-CV-742
	Civil Cover Sheet
	Complaint Under the Patent Law
N	Notice of Related Case
N	Notice of Party with Financial Interest [Local Rule 40.2]

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	4121.0003-02000	Appln. No.	08/529,767
Applicant	SORGE et al.	Examiner:	Fredman, J.
Filing Date	September 15, 1995	Group:	1637

OTHER DOCUMENTS (Takara Bio Inc. v. Stratagene, et al.)	
<i>1</i>	Stipulation Extending Time to File a Responsive Pleading; Order

OTHER DOCUMENTS (Related to Request for Reexamination)	
<i>2</i>	Request for Reexamination Under 37 C.F.R. §1.510 (for U.S. Patent No. 5,556,772) filed by Kate Murashige on March 20, 2003
<i>↓</i>	Exhibits A-K
<i>↓</i>	Transmittal Form
<i>↓</i>	Post card
<i>1</i>	Fee Transmittal

Examiner	<i>[Signature]</i>	Date Considered	<i>7/3/03</i>
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>			
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